

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

MAY 7, 2015; 7:00 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR BOB STEVENSON, JOYCE BROWN, TOM
DAY, JORY FRANCIS, SCOTT FREITAG AND JOY
PETRO**

STAFF PRESENT:

**ALEX JENSEN, STEVE GARSIDE, BILL WRIGHT,
TRACY PROBERT, JAMES “WOODY”
WOODRUFF, ALLEN SWANSON, SCOTT
CARTER, DAVE THOMAS, PETER MATSON,
KENT ANDERSEN AND THIEDA WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Stevenson opened the meeting and led the Pledge of Allegiance. Ron Richens gave the invocation. Scouts and students were welcomed.

MINUTES:

MOTION: Councilmember Brown moved and Councilmember Freitag seconded to approve the minutes of:

**Layton City Council Work Meeting – April 2, 2015;
Layton City Council Meeting – April 2, 2015; and
Layton City Council Work Meeting – April 16, 2015.**

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown mentioned that the Parks and Recreation Department had discount vouchers for Bees games.

Councilmember Brown said on Monday, May 18th, the Family Recreation Program would host the family golf night at Swan Lakes Golf Course from 4:00 p.m. to 8:00 p.m. She said prices would be reduced.

Councilmember Brown said on Saturday, May 30th, Family Recreation would kickoff the “G.O. ‘n Play” program. She said there would be mud, suds and floods at Ellison Park from 10:00 a.m. to 2:00 p.m.

Councilmember Petro indicated that an organizing committee had been put together for the RAMP tax and Louenda Downs had agreed to chair that committee.

Mayor Stevenson read a letter from a citizen thanking the City for the repairs on Gilman Drive.

PRESENTATIONS:

**LAYTON CITY’S ACCEPTANCE OF A \$1,500 DONATION FROM LAYTON’S COMPETITIVE
BASEBALL TEAMS**

Dave Thomas, Recreation Supervisor, expressed appreciation to be able to address the Council. He said the City had a great recreation program. Dave said two years ago he was approached by two ball teams that wanted to be more involved in Layton City and in promoting baseball. He said they held a tournament this year and wanted to do something that would allow them to give something back to the City.

Kyle Day and Scott Robinson addressed the Council. They explained their love of the game and indicated that they wanted to give back to the City. They indicated that there was a long history of baseball in Layton City. Mr. Day and Mr. Robinson presented a tournament baseball to the Mayor and a check for \$1,500 that had been earned through the home run derby at the tournament.

Dave said the money would be used for the scholarship fund to help kids that couldn't afford to play. He said the tournament raised an additional \$3,300 dollars that would be used for scholarships as well.

POLICE CHIEF PRESENTATION

Mayor Stevenson said in January the longtime Police Chief, Terry Keefe, retired. He said it was a big loss to the City. Mayor Stevenson said the City started a nationwide search to replace Chief Keefe. He said the best applicant was Allen Swanson, the City's Assistant Chief. Chief Swanson and his family came forward. Mayor Stevenson presented Chief Swanson with his badge.

Chief Swanson thanked his family for their support. He thanked the men and women of the Police Department for their support, and he thanked the City Manager, Alex Jensen, Mayor Stevenson and the Council.

Councilmember Freitag said it wasn't necessary for the Council to do an official motion to approve a department director in the City, but he wanted to make an informal motion to show a sign of support from the Council of the new Police Chief. Councilmember Petro seconded the motion, which passed unanimously.

CITIZEN COMMENTS:

Todd Derrick, 2414 West 850 North, said he wanted to second the comments about the baseball tournament. He said the fields were well maintained, the tournament was well attended, the prizes were great, and he appreciated the City bringing the tournament to the City.

Mr. Derrick expressed appreciation for Chief Swanson.

CONSENT AGENDA:

RECONVEYANCE OF DEED OF TRUST TO ZIONS FIRST NATIONAL BANK, TRUSTEES – 2010 NORTH MAIN STREET (K-MART) – RESOLUTION 15-30

Steve Garside, Assistant City Attorney, said in 1979 the City did an industrial bond agreement for the development of the K-Mart area. He said pursuant to giving of the bond, a lien was placed on the property. Steve said that bond had been paid in 2005. He said as a matter of housecleaning, the reconveyance of the deed was not done, and they were requesting that the deed be reconveyed to Zions First National Bank. Steve said Resolution 15-30 would authorized the reconveyance of that deed of trust. He said Staff recommended approval.

ASSIGNMENT OF CITY'S INTEREST IN A PARCEL OF PROPERTY TO THE REDEVELOPMENT AGENCY OF LAYTON CITY – APPROXIMATELY 3600 NORTH FAIRFIELD ROAD – RESOLUTION 15-29

Steve Garside said Resolution 15-29 was an assignment of the City's interest. He said several years ago the City obtained an interest in a piece of property to have the first right of refusal. Steve said at this time, the City had elected to exercise that option, and in doing that, assigning the exercise of that option to the Redevelopment Agency. Steve said in the earlier meeting, the Redevelopment Agency accepted the authority to exercise that option. He said Resolution 15-29 would transfer the authority to exercise that option from the City Council to the Redevelopment Agency as they were the entity that would take care of those developments to further the economics of the City. Steve said Staff recommended approval.

ADOPT TENTATIVE BUDGET FOR FISCAL YEAR 2015-2016 AND SET A PUBLIC HEARING FOR JUNE 18, 2015, AT 7:00 P.M. – RESOLUTION 15-27

Tracy Probert, Finance Director, said Resolution 15-27 would adopt the tentative budget for fiscal year 2015-2016. He said as required by State Code, the City needed to accomplish that adoption before or on the first meeting in May. Tracy said the Mayor, Council and Staff had met in various work sessions to prepare the budget. He said there were no major changes to the tentative budget from what had been discussed to this point. Tracy said Staff recommended that the Council adopt Resolution 15-27 and set a public hearing for June 18, 2015, to adopt the budget. He said the tentative budget would be on file until that time for public review.

Councilmember Freitag asked if that was the same night as approval of the final budget.

Tracy said yes.

RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL CONTRACT – WASTE MANAGEMENT OF UTAH, INC. – RESOLUTION 15-28

Tracy Probert said Resolution 15-28 was the residential solid waste contract with Waste Management. He introduced Beth Holbrook with Waste Management.

Ms. Holbrook indicated that Waste Management was excited to move forward with this contract. She said they valued the partnership they had with Layton City.

Councilmember Freitag said this relationship had been a good relationship; he appreciated the work they did in the City.

Mayor Stevenson said he noticed a big difference in the drivers; they were very accommodating.

Ms. Holbrook said they took pride in their customer service.

Tracy said the proposed contract would extend the service through July 1, 2020. He said it represented a rate increase equivalent to \$.35 per can per month on the first can, and \$.25 per can per month on additional cans. Tracy said Staff recommended approval.

Councilmember Day said in one meeting there had been discussion about a recycling program that would be included.

Tracy said that was part of the contract on an opt-in basis. He said in the past the proposal had been for an opt-out program. Tracy said the City had steered away from that because of opposition in having to opt-out of something. He said this contract included a generous option to allow citizens to opt-in on an individual basis for recycling.

Councilmember Day asked if that was available to the citizens now.

Tracy said it would be available July 1st. He said information about the program would be included in the City's newsletter.

Ms. Holbrook explained how the recycling program would function.

Councilmember Freitag asked what type of items could be recycled.

Ms. Holbrook said plastic bottles, aluminum cans, and cardboard boxes. She said citizens that opted in would be given a list of acceptable recyclables.

Councilmember Day asked about the cost.

Tracy said it would be \$5.50 per month with pickup every other week.

ON-PREMISE RESTAURANT LIQUOR LICENSE – FIREHOUSE PIZZERIA LAYTON – 768 WEST 1425 NORTH

Bill Wright, Community and Economic Development Director, said this was a request by Firehouse Pizzeria Layton, for an on-premise restaurant liquor license. He said the Pizzeria was located at 768 West 1425 North; the applicant was Brent Hanson. Bill said they were in business now and wanted to add the liquor license. He said the location met all buffer requirements and background checks had been approved by the Police Department. Bill said Staff recommended approval.

DEVELOPMENT AGREEMENT – MIKE BASTIAN – APPROXIMATELY 950 NORTH RAINBOW DRIVE – RESOLUTION 15-23

Bill Wright said this was an amendment to a development agreement that was approved on April 2, 2015, for property located at approximately 950 Rainbow Drive. He said the property was rezoned on April 2nd along with the development agreement with Richard and Elaine Widner, the owners of the property. Bill said before the Widners signed the agreement, Mr. Bastian purchased the property. This was simply a name change on the development agreement. He said Staff recommended approval.

MOTION: Councilmember Brown moved to approve Items A, B, C, D, E and F of the Consent Agenda as presented. Councilmember Francis seconded the motion, which passed unanimously.

PRELIMINARY PLAT – EASTRIDGE PARK ESTATES PRUD – APPROXIMATELY 1450 EAST ANTELOPE DRIVE

Scott Carter, Special Projects Manager, said in regard to the trails in the Eastridge Park development, Staff had been working with the developer to place onto his plan a trail that would come from the Kays Creek Corridor Trail along the west side of the lots in the subdivision. On the southerly public street, there would be a connection into the 16 acre park area that the developer was granting to the City. He displayed a conceptual drawing showing the layout of the trail and the park.

Scott said he had been researching properties on Heather Drive and would be making an offer to purchase the property for a parking area. He said there was a small parcel north of Antelope Drive, east of the north fork of Kays Creek that would accommodate 6 to 8 cars. Scott said Staff would be working with the property owner to develop a parking lot there.

Mayor Stevenson asked if there would be small parking areas throughout the City to provide parking for access to the trails.

Bill Wright said yes. He explained some of the areas they were working on to provide parking for access to the trails.

Councilmember Day asked if the developer would put the trail system in his subdivision and the City would do the nature park.

Scott said the City would be working in concert with the developer. When it got to that point, the City would work with the developer on the park and trails in trade for some of the impact fees.

Mayor Stevenson said relative to the safety concerns on Antelope Drive, until the development was in and the impacts from the development were known, the City wouldn't know what steps would need to be taken to mitigate those impacts. He said this would be no different from any other development that impacted areas

around it. Mayor Stevenson said the City would follow up on that throughout the process.

Mayor Stevenson asked Mr. Mike Flood with Adams Property LLC and Hawkins Homes if he would address a few items. He said he would like this included in the minutes. Mayor Stevenson said the items that would be discussed were the monitors, the widening of the entrance, the HOA dealing with the rentals, land drains, the sidewalks and the sensitive lands issues that would be placed on the title reports and the plats.

Mr. Flood expressed appreciation for the work that had been done since the last meeting. He said they met with neighboring residents to discuss their concerns, and while they couldn't and wouldn't agree to all of their demands, they had agreed to do some things.

Mr. Flood said they hadn't agreed to loop and tie in the townhome access road, but they did agree to widen the entrance into the townhome area to a fifty-foot right of way and dress it up a little bit. He said it would be similar to the entrance into Cold Water Creek Subdivision.

Mr. Flood said another concern was the potential of vibration during grading and construction on the development. He said the question was raised whether or not they would be willing to install vibration monitoring. Mr. Flood said they agreed to put a portable vibration monitor anywhere there was a property boundary, not the house but the property, that was within 100 feet of any development construction activity. He said before construction, they would need to do some base-line monitoring with the vibration monitors. Because of the proximity of Hill Field AFB, the airplanes could set the monitors off. He said they would be monitored regularly and the data would be downloaded. Mr. Flood said they had agreed to place all of their data, whether it was vibration monitoring or soil compaction data, on a public cloud site where anybody could access it. Mr. Flood said he didn't know how technical the data from the monitors would be, but it would also be provided to the City Engineer.

Mr. Flood said the residents had expressed concerns with a second or third homebuyer knowing of the geotechnical issues. He said they had drafted a document that would be recorded over the entire boundary of the subdivision. Mr. Flood said the document would state that the development was within Layton City's sensitive lands overlay zone and that all geotechnical and geological studies that had been performed were on file for review at the City. He said information would also be made available to every person they sold to, whether it was a company that purchased a group of lots or whether it was an individual buyer.

Mr. Flood said concerns had been raised about rental properties. He said the citizens group had asked that they make some type of provision on the entire development. Mr. Flood said they agreed to place in the CC&Rs, and what was allowable by law, a rental restriction on the attached product. He said the typical concern was that attached homes turned into large rental areas. Mr. Flood said they agreed to limit the number of rentals in the townhome phase through the CC&Rs and HOA to no more than 8 of the 52 units, which was about 15.3% of the townhome development. He said that was a common percentage.

Mr. Flood said a question was raised about putting sidewalks throughout the subdivision. He said they had several thousand feet of public right of way throughout the development that would have sidewalk on both sides of the road. Mr. Flood said he believed that the street section now required a five-foot sidewalk in most areas, and that had been designed into this development. He said within their private streets, they had designed a sidewalk on one side of the road, but not on both sides. Mr. Flood said that was partly due to the nature of the development. He said within the PRUD ordinance they were not required to do sidewalk on either side, but they were recommending a sidewalk on one side. Mr. Flood said there would be sidewalks on both sides of all public streets, as required by City ordinance, and there would be sidewalk on one side of all the private streets.

Mayor Stevenson said relative to the land drains, that was a City requirement. He said there would be land drains and footing drains around the houses.

Mr. Flood said that was correct. He said they would provide a lateral to each individual single family unit, and a lateral to each townhome building that the builder could tie to their footing. Mr. Flood said the concern

was providing a place for water to go if there was a groundwater issue. He said this land drain would provide for that. He said unlike some areas where they had to add sump pumps after the fact, this provided a place for water to go, which would eventually end up in the detention basin, and slowly released into the creeks.

Mayor Stevenson asked Mr. Flood to address notification to the homeowners about monitoring and when construction would be happening.

Mr. Flood said before they commenced construction they were required to hold a pre-construction meeting with the City. He said they would agree, either by mail or by hand delivery to a door, to notify anybody that abutted the property within the area prior to commencement of construction. Mr. Flood said this would allow time for the residents to make any preparations they would like prior to construction.

Mayor Stevenson asked Mr. Merkley if he wanted to make a short presentation to the Council that they had discussed earlier.

Mr. Merkley declined.

Mayor Stevenson said there had been a number of meetings regarding this issue. He said he had met with citizens this past week and had gone over these items. Mayor Stevenson said they had also met with Mr. Flood to reassure that these things would take place. He said at this time, he believed the Council needed to take action on this item.

MOTION: Councilmember Freitag moved to approve Item G of the Consent Agenda, the preliminary plat approval for Eastridge Park Estates PRUD, as presented.

Councilmember Day asked if that would be subject to all the things Mr. Flood outlined.

Councilmember Freitag said subject to everything that Mr. Flood just outlined.

Councilmember Brown seconded the motion, which passed unanimously.

Mayor Stevenson said this was preliminary approval. He said there would be additional conversation about this project. Mayor Stevenson expressed appreciation to the residents for working through this process. He said as the City continued to grow, people needed to be involved. Mayor Stevenson said this was the process that would make the City better.

PUBLIC HEARINGS:

AMEND TITLE 18, CHAPTERS 18.40 AND 18.50, SECTIONS 18.40.020 AND 18.50.040; TITLE 19, CHAPTER 19.07, SECTION 19.07.060 OF THE LAYTON MUNICIPAL CODE BY CLARIFYING THE REQUIREMENTS OF LAND DRAINS FOR DWELLINGS AND SENSITIVE LAND AREAS – ORDINANCE 15-07

Bill Wright said this was an ordinance amendment dealing with Title 18 and Title 19. He said Title 18 addressed the City's land development standards and Title 19 was the zoning code. Bill said both of these areas of the code dealt with land drains. He said the determination was that the engineering standards in the building code were clear about the use of land drains and making them available as development occurred in the community where it was appropriate, but the language in these two areas of the code was a little vague. Bill said Staff wanted to make sure the signal was very clear that land drains would be required, and be consistent with the building code and the engineering standards that had been adopted.

Bill said these amendments were fairly minor changes in wording to make it much clearer what the expectation was for providing those land drains, and that they become mandatory. He said the installation of land drains in a sensitive lands area needed to be maintained by an HOA or the property owner for the purpose of not only providing drainage of the immediate property but also for de-watering hillsides for slope

stability. Bill said this was really a clarifying change to the code. He said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Brown moved to close the public hearing and approve the amendments to Title 18 and Title 19 as presented, Ordinance 15-07. Councilmember Francis seconded the motion, which passed unanimously.

COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN FOR FISCAL YEAR 2015-2016 – RESOLUTION 15-26

Kent Andersen, Deputy Director of Community and Economic Development, said this was an opportunity to take public comment and approve the CDBG Annual Action Plan for the upcoming fiscal year, 2015-2016. Kent explained the CDBG program and reviewed the Annual Action Plan, which addressed how the grant funds would be spent through the upcoming year. He said this was the second public hearing in this process. Kent said this public hearing would be restricted to comments based on projects that were in the proposed Plan. He said the amount of the grant funds had stabilized and were back to the level of 2010-2011. Kent said this allowed more flexibility where there was the highest demand, which was for the public service programs. He said only 15% of what was received could go to these programs. Kent said this year funds were being submitted to all of the applicants that applied for funds; Family Connection Center, Safe Harbor Domestic Violence Shelter, Layton Community Action Council and the Youth Court, and the Road Home homeless shelter.

Kent said other portions of the grant included 20% for administration and planning. He said included in that was another Davis School District home. Kent said there would be a ribbon cutting ceremony on May 21st for the Angel Street lot. He said another in-demand program was the homebuyer assistance program, which would provide 10 grants of \$5,000 each. Kent said another program would be historic downtown infrastructure, which gave the City an opportunity to continue to fund programs in the historic downtown area. He said a lot of those revolved around infrastructure improvements and enhancements for the businesses in that area.

Mayor Stevenson opened the meeting for public input.

Karlene Kidman thanked the City for their support of the Layton Community Action Council and the Youth Court. She said they would not be the great program they were without the City's support. Ms. Kidman indicated that they started their 18th group this year.

Mayor Stevenson said Karlene worked very hard to support this program. He expressed appreciation to Karlene for all that she did.

Steve Garside said the City's Youth Court was a model throughout the State. He said it was well respected and well run.

Kendra Wycoff, Executive Director of Safe Harbor Crisis Center, thanked the City for their support. She presented information about the services they provided.

Mayor Stevenson expressed appreciation to Ms. Wycoff for the services they provided.

MOTION: Councilmember Petro moved to close the public hearing and approve the Community Development Block Grant Annual Action Plan, Resolution 15-26. Councilmember Freitag seconded the motion, which passed unanimously.

AMEND BUDGET FOR FISCAL YEAR 2014-2015 – ORDINANCE 15-16

Tracy Probert said Ordinance 15-16 would amend the budget for the current fiscal year. He said the amendment related to Item E on the Consent Agenda of the option for the RDA to purchase property. Tracy said the amendment would transfer funds from the City to the RDA to enable that transaction to occur. He said Staff recommended approval.

Mayor Stevenson opened the meeting for public input. None was given.

MOTION: Councilmember Francis moved to close the public hearing and approve the amendments to the 2014-2015 budget as presented, Ordinance 15-16. Councilmember Brown seconded the motion, which passed unanimously.

The meeting adjourned at 8:14 p.m.

Thieda Wellman, City Recorder